



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2202604

**Applicant Name:** Muhammad Rafique

**Address of Proposal:** 3327 South Graham Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to subdivide one parcel of land into three parcels of land in a steep slope environmentally critical area. Proposed parcel areas are: Parcel A) 6,329 square feet, Parcel B) 6,329 square feet; and Parcel C) 7,161 square feet.<sup>1</sup> A single-family residence on proposed Parcel A would remain. Steep slope environmentally critical areas are located on all three proposed parcels. A limited steep slope exemption has been granted for a portion of the site (ECA Exemption #2301099).

The following approvals are required:

Short Subdivision - to divide one parcel of land into three parcels.  
(Seattle Municipal Code Chapter 23.24)

SEPA - Environmental Determination in an Environmentally Critical Area.  
(Seattle Municipal Code Chapter 25.05)

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or  
another agency with jurisdiction

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<sup>1</sup> These numbers refer to the proposed gross area of the lot; actual buildable area would be less than the gross area due to the presence of a steep slope environmentally critical area (ECA).

## **BACKGROUND DATA**

### **Site and Vicinity Description**

The subject property is located in a Residential, Single-family 5,000 (SF 5000) zone on the south side of South Graham Street between 33<sup>rd</sup> Avenue South and 36<sup>th</sup> Avenue South (if continued) in south Seattle. The approximately 19,819-square foot rectangular proposal site has 67 lineal feet of frontage on South Graham Street and is approximately 294 feet deep. South Graham Street at the project location is a two-lane, paved roadway with curb, gutter, and sidewalk.

An existing single-family residence is situated near the South Graham Street frontage and would remain on proposed Parcel A. A small shed located across the proposed property line between Parcels A and B would be removed.

The property includes two areas of steep slope environmentally critical area (ECAs). The first area is located in the northwest portion of the site, west of the existing single-family residence on proposed Parcel A and contains approximately 712 square feet of land with 40% or steeper slopes. A steep slope exemption request has been granted for this specific area (See ECA Exemption #2301099). The second steep slope area is located in the southeast portion of the site, along the eastern edge of proposed Parcel C. This area contains about 1,072 square feet of land with 40% or steeper slopes and did not receive an exemption. The regulated steep slope area of the site is moderately vegetated with several deciduous trees, shrubs, and ground cover. All further steep slope ECA analysis in this decision relates to the non-exempted, 1,072-square foot steep slope area.

Parcels immediately surrounding the subject site are zoned SF 5000 and are developed with single-family residences. A Residential, Multi-family, Lowrise 3 (L3) zone begins approximately 200 feet to the northeast of the site, and a Commercial 1 (C1) zone with a 65-foot height limit lies east of the L3 zone.

### **Proposal Description**

The applicant proposes to short subdivide one parcel of land into three parcels of land in a steep slope environmentally critical area. Proposed parcel areas are: Parcel A) 6,329 square feet, Parcel B) 6,329 square feet; and Parcel C) 7,161 square feet. The non-exempt environmentally critical steep slope area would not be developed as a result of the subdivision. In addition, the single-family residence on proposed Parcel A would remain.

Proposed Parcel A would have direct street frontage on South Graham Street. Proposed Parcels B and C would have access to South Graham Street via a 12-foot wide ingress, egress and utilities easement proposed along the east edge of the subject site.

Approximately 1,072 square feet of the property is designated as non-exempt steep slope area; an additional 599 square feet is required steep slope buffer. The net area of the 19,819-square foot site is 18,145 square feet (after subtracting the 1,072-square foot steep slope, and 599-square foot steep slope buffer per SMC 25.09.240(C) and (D)).

### Public Comments

The 14-day public comment period for the proposed project ended on December 11, 2002. Two comment letters were received. Both comments expressed concerns about anticipated increases in residential density resulting from the proposed short plat.

### ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short subdivision shall be approved unless all of the following facts and conditions are found to exist. The findings which follow are based upon information provided by the applicant; review of access, drainage, environmentally critical areas, and zoning within the Department of Design, Construction and Land Use (DCLU); review from Seattle Public Utilities, Seattle Fire Department and Seattle City Light; and, review by the Land Use Planner.

*1. Conformance to the applicable Land Use Code provisions;*

The lots created by the proposed short subdivision would conform to all development standards of the SF 5000 zone and the Environmentally Critical Areas ordinance. The lot configurations provide adequate buildable area to meet applicable density, setbacks, lot coverage requirements and other land use code development standards. Any new development must conform to land use code requirements at the time of application.

*2. Adequacy of access for vehicles, utilities and fire protection, as provided in Section 23.53.005;*

Proposed Parcels A, B, and C would have adequate vehicle and utility access to South Graham Street.

The Seattle Fire Department would provide emergency vehicle access to the site, and after review of the application, the Fire Department has approved the proposed short plat for emergency vehicle access. Per Seattle Fire Department Administrative Rule 9.1, the slope of the proposed ingress, egress, and utility easement requires that the 12-foot wide access road be paved. This should be noted on the short plat documents prior to recording.

Although the preliminary proposed legal descriptions for Parcels A and B include a 20-foot wide easement on the adjacent property to the east, the subject site does not have a right to use this easement. Therefore, references to the 20-foot wide easement should be removed from the final recording documents.

Because proposed Parcels B and C would not have direct street frontage on South Graham Street, an easement or covenant should be provided on proposed Parcel A to allow the posting and maintenance of address signs for Parcels B and C.

Seattle City Light would provide electrical service to the subject property and has indicated that an easement for electrical facilities would be necessary to provide adequate electrical service to the three proposed lots. The easement should appear on the face of the plat prior to recording.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

The proposed short plat would be provided with adequate drainage, water supply, and sanitary sewage disposal.

Drainage in the area has been separated with the installation of an 18-inch public storm drain (PSD) on the far side of South Graham Street. This mainline discharge to a Designated Receiving Water. Plan review requirements would be made at the time of building permit application(s) in accordance with any applicable stormwater ordinances in effect at that time. Any projects resulting in more than 5,000 square feet of new or replaced impervious surface may be required to prepare a comprehensive drainage control plan per SMC 22.802.015(D) and 22.802.020.

Adequate water supply for the proposed short plat is documented in Water Availability Certificate #2002-1227, issued by Seattle Public Utilities on November 25, 2002. All conditions on the certificate must be met prior to receiving water service.

Finally, sanitary sewer disposal would be available to the proposed lots via an existing 10-inch public sanitary sewer (PSS) located in South Graham Street. Sidesewer permits would be required prior to any new connections to the PSS.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

The proposed subdivision would be consistent with relevant SF 5000 standards and would meet the minimum provisions of the Seattle Land Use Code. Furthermore, the proposal would meet all applicable criteria for approval of a short plat in an environmentally critical area as discussed in this analysis and decision. The public use and interests would be served by permitting the proposed division of land.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions in environmentally critical areas;*

This site contains an identified steep slope environmentally critical area as defined in SMC 25.09.020. The steep slope area lies along the eastern edge of proposed Parcel C. (A second steep slope ECA in the northwest corner of the site has been exempted from ECA requirements under ECA Exemption #2301099.)

Short subdivisions in Environmentally Critical Areas must meet the requirements of SMC 25.09.240, Short Subdivisions and Subdivisions in Environmentally Critical Areas. The subdivision of the site into the three proposed parcels would satisfy the requirements of this code section as follows:

Each of the three proposed parcels would contain a building site outside of the identified critical area. Proposed Parcels A and B would also have access outside of the critical area. The applicant should revise the final recording documents so that proposed Parcel C's access is also outside of the steep slope area. Prior to recording, the short plat should include a covenant that restricts development to those areas located outside of the steep slope and its buffer.

The lots have been configured to preserve the identified environmentally critical area. To facilitate continued protection of the steep slope, permanent visible markers should be placed along the toe of the steep slope buffer to delineate the buffer as a "no build" area. The markers should be shown and described on the plat prior to recording and should consist of either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap should be visible at the ground surface and should indicate the purpose of the marker. Markers should be placed at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. Markers should be in place before issuance of this short subdivision permit;

The proposed ingress, egress, and utility easement have not been used in minimum lot area calculations. Parcels A and B are both 5,201 square feet in area after subtracting the ingress, egress, and utility easement, and Parcel C is not encumbered by any portion of the easement.

The identified environmentally critical area and associated buffer were not used for development credit when calculating the number of lots permitted. The 19,819-square foot site contains 1,072 square feet of steep slope and 599 square feet of steep slope buffer for a net area of 18,145 square feet. Therefore, the net area allows subdivision of the subject site into a maximum of three lots;

The applicant met the requirements of SMC 25.09.060 for application submittal requirements.

Finally, grading and construction of any future structures would be reviewed during the building permit stage and would be examined for conformance with all applicable requirements of the Land Use Code pertaining to the Environmentally Critical Areas Ordinance. Therefore, this proposed short subdivision is in conformance with requirements for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

The design of the plat would allow for retention of trees on the site. The site contains approximately fourteen trees with diameters of 6 inches or greater. The layout of the proposed short plat, including the access road and potential building footprints, would allow for the retention of a majority of these trees. The applicant should note on the face of the plat that all future construction must comply with the tree removal/retention development standards of SMC 23.44.008 and Chapter 25.11.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

The applicant has not proposed a unit lot subdivision; therefore, this criterion is not applicable.

## **DECISION - SHORT SUBDIVISION**

The proposed Short Subdivision is **CONDITIONALLY GRANTED** subject to the conditions noted at the end of the report.

## **ANALYSIS - SEPA**

The initial disclosure of the potential impacts from this project was made in the revised, annotated environmental checklist (dated February 19, 2003), and supplemental information in the project file submitted by the applicant. The information in the checklist, the supplemental information, and the experience of the lead agency with the review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship among codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The Overview Policy states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations. Under such limitations or

circumstances (SMC 25.05.665(D)) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate. Short-term and long-term adverse impacts are anticipated from the proposal.

### Short-term Impacts

The following temporary or construction-related impacts are expected as a result of future new single family: 1) temporary soil erosion; 2) decreased air quality due to increased dust and other suspended air particulates during excavation and construction; 3) increased noise and vibration from construction operations and equipment; 4) increased traffic and parking demand from construction personnel; 5) blockage of streets by construction vehicles/activities; 6) conflict with normal pedestrian movement adjacent to the site; and 7) consumption of renewable and non-renewable resources. These impacts are not considered significant because they are temporary and/or minor in scope (SMC 25.05.794). Although not significant, the impacts are adverse and certain mitigation measures are appropriate as specified below.

City codes and/or ordinances apply to the proposal and would provide mitigation for some of the identified impacts. Specifically, these codes and ordinances are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way); 2) Building Code (construction measures in general); and 3) Stormwater, Drainage and Grading Code (temporary soil erosion). Compliance with these applicable codes and ordinances would be adequate to achieve sufficient mitigation; further mitigation by imposing specific conditions would not be necessary to address these impacts. However, the proposal site is located in a steep slope environmentally critical area; therefore, additional discussion of earth impacts is warranted.

### Earth

The Stormwater, Grading and Drainage Control Code provide extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used. In addition, the applicant submitted a soils report for the subject site which was reviewed by the Department. The report provided an adequate level of information for the proposed short plat application, but additional geotechnical evaluation may be required for design-level review during the review of any subsequent construction permit applications.

The existing single-family residence on proposed Parcel A is located at the toe of a slope that extends onto the adjacent property to the west. Therefore, in order to mitigate any potential significant adverse impacts to the neighboring property, the existing single-family residence should not be demolished prior to the issuance of a construction permit to rebuild on the site. Any such construction permit application should be reviewed for adequate methods of demolition and slope protection.

### Other Short-term Impacts

The other short-term impacts not noted here as mitigated by codes, ordinances, or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

### Long-term Impacts

Potential long-term impacts that may occur as a result of this project include: 1) increased surface water runoff from greater site coverage by impervious surfaces; 2) increased bulk and scale on the site; 3) increased traffic and parking demand due to residents and visitors; 4) minor increase in airborne emissions resulting from additional traffic; 5) minor increase in ambient noise due to increased human activity; 6) increased demand on public services and utilities; 7) increased light and glare; and 8) increased energy consumption. These long-term impacts are not considered significant because the impacts are minor in scope.

The long-term impacts would be typical of single-family development. Impacts would be mitigated by the City's adopted codes and/or ordinances including the following: Stormwater, Grading and Drainage Control Code (storm water runoff from additional site coverage by impervious surface); Land Use Code (aesthetic impacts, height, setbacks, parking); and the Seattle Energy Code (long-term energy consumption).

The other impacts not noted here as mitigated by codes or conditions (increased ambient noise; increased demand on public services and utilities; increased airborne emissions; increased light and glare) would not be sufficiently adverse to warrant further mitigation by condition.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS - SEPA**



For the Life of the Project

1. The existing single-family residence located on Parcel A shall not be demolished prior to the issuance of a construction permit to rebuild on the site. Any such construction permit application shall be reviewed for adequate methods of demolition and slope protection.

**CONDITIONS - SHORT SUBDIVISION**

Prior to Recording

The owner(s) and/or responsible party(s) shall:

1. Provide final recording forms and fees. Have the final recording documents prepared by or under the supervision of a Washington State licensed land surveyor. Each lot, parcel or tract created by the short subdivision shall be surveyed in the field and all property corners set in conformance with appropriate state statute. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown, as well as all structures and distances from them to the proposed property lines. All existing structures, principal and accessory, shall be shown on the face of the plat and their distances to the proposed property lines dimensioned. A licensed surveyor shall stamp the short plat drawings.
2. Remove the "slope categories plan" (Sheet 2).
3. Remove the building envelope boxes drawn on Parcels A, B, and C from Sheets 1, 2, and 3.
4. Remove references to the adjacent parcel's "20-foot ingress, egress easement" from the final recording documents. References to said easement shall be removed from parcels' legal descriptions and from the survey drawings.
5. Relabel the lot area for Parcels A, B, and C with the gross lot area instead of the net lot area. This change shall be made to Sheets 1 and 3.
6. Correct Sheet 1 to correctly show the width of the two access easements (12 feet and 20 feet) and their combined width (32 feet).
7. Revise the location of Parcel C's vehicular access so that it does not encroach on the steep slope environmentally critical area.
8. Add the conditions of approval after recording on the face of the plat, or on a separate sheet if necessary.

9. Include the Seattle City Light easement as described in the Seattle City Light memorandum dated January 28, 2003, and “Exhibit A to Short Plat No. 2202604, P.M. #240427-2-030” on the final documents.
10. Add a note to the face of the plat stating: “The 12-foot wide access road shall be paved to meet Seattle Fire Department standards as set forth in Administrative Rule 9.1 or subsequent regulation.”
11. Provide an easement, covenant, or other agreement to allow posting and maintenance of address signage for Parcels B and C on Parcel A in a manner appropriately visible from South Graham Street.
12. Clearly delineate the steep slope environmentally critical area on the face of the final plat and place a note on the face of the plat that states that future construction is subject to the Environmentally Critical Areas standards of Chapter 25.09 of the Seattle Municipal Code.
13. On the face of the plat, show and describe permanent, visible markers along the toe of the steep slope buffer to delineate the buffer as a “no build” area. Markers shall be shown at all points along the buffer delineation where the buffer changes direction from a straight line, exclusive of the exempted access area. The markers shall be either reinforcing steel or metal pipe driven securely into the ground with a brass cap affixed to the top similar to survey monuments. The brass cap shall be visible at the ground surface and shall indicate the purpose of the marker.
14. Place all steep slope markers on the site as described in Short Plat Condition #10.
15. Include on the face of the plat a covenant that restricts development to the area outside of the ECA Steep Slope and required buffer areas. The covenant shall be in the form given to the applicant by DCLU.
16. Place a note on the plat stating: “No removal of vegetation shall be permitted within the steep slope and buffer, except as otherwise permitted by SMC Chapter 25.09 (SMC).”
17. Place a note on the face of the plat stating: “Tree removal shall be subject to the standards of SMC 23.44.008 and SMC Chapter 25.11.”

After Recording and Prior to Issuance of a Building Permit

The owner(s) and/or responsible party(s) shall:

18. Attach a copy of the recorded short subdivision to all sets of building permit application plans.

19. Legally remove the existing shed located on the property line between Parcels A and B.

Signature: \_\_\_\_\_ (signature on file) Date: June 19, 2003  
Leslie C. Clark, AICP, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

LCC:bg

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